REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action of the United States Patent and Trademark Office dated August 26, 2005. Claim 1-10 is currently pending in the application. As indicated above, Claims 1, 2, 8, and 9 have been amended.

In the Office Action, Claims 1 and 3-7 were rejected under 35 U.S.C. §103(a) as being anticipated by *Schulz* (U.S. Patent No. 5,684,967) in view of *Ran* (U.S. Patent No. 5,768,533), and Claims 2 and 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Schulz* in view of *Ran*, and further in view of *Ghosh et al.* (U.S. Patent No. 6,308,294).

As indicated above, the Examiner is rejecting independent Claim 1 as being unpatentable over *Schulz* in view of *Ran*. More specifically, the Examiner asserts that *Schulz* teaches all the recitations of Claim 1, except for use of HARQ, which the Examiner asserts is taught in *Ran*. However, it is respectfully submitted that the Examiner is incorrect. That is, it is respectfully submitted that Claim 1 is clearly distinguishable from the Examiner's cited art.

First, independent Claim 1 is directed to a method of transmitting a physical layer information stream having a plurality of sub-blocks having a different QoS (Quality of Service). However, the Examiner fails to cite any section of the alleged prior art that teaches that the sub-blocks have a different QoS (Quality of Service). That is, according to a conventional system as recited in the Examiner's art, if the sub-blocks have a different QoS, data in the same slot cannot be transmitted. On the contrary, according to the present invention, even if the sub-blocks have a different QoS, data is transmitted in one slot.

Second, according to Claim 1, different sub-blocks are transmitted in one slot. However, it is respectfully submitted that none of the references cited by the Examiner disclose transmitting different data in one slot.

Third, as stated above, because Claim 1 teaches transmitting different data in one slot, a

transmitter must receive multiple ACK/NACK, i.e., indication information, for retransmission. However, none of the references discloses the feature of receiving indication information for the different data.

Finally, Claim 1 is directed to a method for retransmitting initially transmitted data. That is, Claim 1 teaches retransmitting data that has errors during an initial transmission, so that the data having the error is repeated within the number of sub-blocks and retransmitted. However, it is respectfully submitted that none of the Examiner's cited references discloses such features.

Therefore, based at least upon the arguments presented above, it is respectfully submitted that Claim 1 is patentably distinct from *Schulz* in view of *Ran*, and it is respectfully requested that the rejection be withdrawn.

Additionally, regarding dependent Claim 3, the Examiner also asserts that this claim is unpatentable in view of *Schulz* in view of *Ran*. However, Claim 3 recites that "the sub-blocks are encoded using quasi-complementary turbo codes (QCTCs)". However, it is respectfully submitted that there is no section of *Schulz* or *Ran* that even mention QCTCs. Accordingly, it is respectfully submitted that the Examiner is also incorrect in rejecting Claim 3, and it is respectfully requested that the rejection be withdrawn.

Without conceding the patentability of dependent Claims 2 and 4-10, they are likewise believed to be patentably distinct from the Examiner's cited art, based on their dependence upon independent Claim 1.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-10 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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